

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of establishing a list for the fiscal years 2004-2005 and 2005-2006 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.

Investigation 03-07-009
(Filed July 10, 2003)

SCOPING MEMORANDUM AND RULING OF ASSIGNED COMMISSIONER

Background

By July 1 of each year, the Commission is required, pursuant to Streets and Highway Code Section 2452, to establish and furnish to the California Transportation Commission (CTC) a priority list of existing and proposed crossings at grade in need of separation, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and existing grade separations in need of alteration or reconstruction.

The Order Instituting Investigation (OII) issued July 10, 2003 established the preliminary scope of issues to be considered in this proceeding. The OII provided that projects to be included on the priority list must be nominated by October 17, 2003. In response about 65 projects have been nominated.

Categorization

This proceeding has been categorized as “quasi-legislative.” This categorization has not been appealed and will be retained.

Presiding Officer

As the Assigned Commissioner, I am the presiding officer in this proceeding in accordance with Rule 5(k)(3). However, as provided by the rule the assigned Administrative Law Judge (ALJ) Kenneth Henderson may preside at hearings not involving legislative facts.

Prehearing Conference (PHC)

A PHC was conducted on December 1, 2003, in Los Angeles before ALJ Henderson. The purpose of the PHC was to (1) establish issues to be raised in the proceeding, (2) discuss a potential schedule for the proceeding, and (3) establish a revised service list.

Motion of San Joaquin Department of Public Works

At the PHC, a representative for the San Joaquin Department of Public Works appeared and moved to be allowed to make a late filed project nomination. The representative offered several extenuating circumstances. The Consumer Protection Safety Division (CPSD) staff indicated that the late filing would not disrupt their work schedule on the staff’s exhibit. No party, including CPSD staff, opposed the motion. The motion will be granted.

Issues

The issue in this proceeding is the establishment of the list of priorities of projects nominated in this proceeding for the fiscal years 2004-2005 and 2005-2006.

Schedule

The schedule for this proceeding is shown below:

Staff Exhibit, including proposed priority list	January 16, 2004
Final day for submitting comments on Staff Exhibit	February 2, 2004
Final date for revision of Staff Exhibit	No later than February 16, 2004
Evidentiary Hearings (exact dates and locations to be determined).	February 18 – March 5, 2004
Target Submission of Proceeding including any late filed exhibits and any briefs	March 26, 2004
Draft Decision	April 23, 2004
Final Decision Adopted by Commission	May 27, 2004
Mail Decision to CTC, Caltrans & Parties of Record	1 st wk of July 2004

Service List

A service list for this proceeding is attached.

IT IS RULED that:

1. The scope of the proceeding is as set forth herein.
2. The schedule for this proceeding is set forth herein.
3. The motion of the County of San Joaquin Department of Public Works to allow a late-filed nomination is granted.
4. The presiding hearing officer will be Commissioner Wood, except for non-formal hearings in which Administrative Law Judge Kenneth Henderson may preside.

5. This ruling confirms that this proceeding is a quasi-legislative proceeding and that hearings will be set.

Dated January 28, 2004, in San Francisco, California.

/s/ CARL WOOD

Carl Wood
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memorandum and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated January 28, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.